

Application No. 10/672,232
Atty. Docket No. 105942-53921
Amendment and Response to Restriction Requirement

This listing of claims replaces all previous listings of claims in this application.

1-5. (canceled)

6. (original) An additive for a food or a food supplement comprising partially or fully defatted cocoa solids pretreated by mixing with about 9% to about 90% by weight, based on the cocoa solids, of sterol ester(s) and/or stanol ester(s) which are liquids at temperatures of about 80°C or less, wherein the cocoa solids after pretreatment have a cocoa procyanidin content of at least about 4.5 milligrams per gram of defatted cocoa solids.

7. (original) An additive for a food or a food supplement comprising partially or fully defatted cocoa solids pretreated by mixing with about 0.05% to about 5% by weight, based on the cocoa solids, of a lecithin, wherein the cocoa solids prior to pretreatment have a cocoa procyanidin content of at least about 5 milligrams per gram of defatted cocoa solids.

8. (previously presented) A process for preparing a binder syrup for a food or a food supplement comprises the step of mixing at about 20°C to 160°C (i) a syrup and (ii) partially or fully defatted cocoa solids pretreated by mixing with about 9% to about 90% by weight, based on the cocoa solids, of sterol ester(s) and/or stanol ester(s) which are liquids at temperatures of about 80°C or less, wherein the cocoa solids in the binder have a cocoa procyanidin content of at least about 4.5 milligrams per gram of defatted cocoa solids.

9. (original) A binder syrup prepared by the process of Claim 8.

10. (previously presented) A binder syrup comprising a mixture of (i) a syrup and (ii) cocoa solids pretreated with about 9% to about 90% by weight of sterol ester(s)

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and/or stanol ester(s) and optionally with up to about 5% by weight of a lecithin and/or up to about 20% by weight of a chocolate liquor; wherein the binder syrup is liquid at about 40°C to about 80°C and solid at room temperature, the weights being based on the cocoa solids.

11-26 (canceled)

27. (new) A binder syrup comprising a mixture of (i) a syrup and (ii) cocoa solids pretreated with about 9% to about 90% by weight of sterol ester(s) and/or stanol ester(s) and with up to about 5% by weight of a lecithin and/or up to about 20% by weight of a chocolate liquor; wherein the binder syrup is liquid at about 40°C to about 80°C and solid at room temperature, the weights being based on the cocoa solids.

28. (new) A process for preparing a dry, ready-to-eat food using the binder syrup of Claim 10 comprises the steps of:

- a. blending the binder syrup at about 40°C to about 80°C with a mixture of dry ingredients comprising grain(s), flour(s), and/or protein(s), and optionally dried fruits and/or nuts to obtain a formable food mixture;
- b. forming the mixture into a food; and
- c. cooling the food to room temperature.

29. (new) A process for preparing a dry, ready-to-eat food using the binder syrup of Claim 27 comprises the steps of:

- a. blending the binder syrup at about 40°C to about 80°C with a mixture of dry ingredients comprising grain(s), flour(s), and/or protein(s), and optionally dried fruits and/or nuts to obtain a formable food mixture;
- b. forming the mixture into a food; and

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c. cooling the food to room temperature.

30. (new) The process of Claim 28 or 29, further comprising the steps of decorating or enrobing the formed food with chocolate, a yogurt, or a flavored sugar.

31. (new) The process of Claim 28, wherein the pretreated cocoa solids and the syrup are premixed at about 60°C to about 80°C to form a binder syrup prior to blending with the dry ingredients.

32. (new) The process of Claim 28 or 29, wherein the cocoa solids are partially defatted cocoa solids containing about 8-30% fat and having a cocoa procyanidin content of at least about 50 to about 150 milligrams; wherein the sterol ester(s) are prepared from rapeseed oil; wherein the emulsifier is selected from the group consisting of lecithin, a monoglyceride, a diglyceride, an ethoxylated mono- or diglyceride, a phospholipid, an acetic, lactic, citric, succinic, or diacetyl tartaric acid ester of a monoglyceride, a polyglycerol, sorbitan, a sucrose ester, a propylene glycol ester of a fatty acid, polyglycerol polyresorcinoleate, and mixtures thereof; wherein the syrup further comprises an ingredient selected from the group consisting of a whole milk powder, a skim milk powder, a malted milk powder, a flavorant, one or more vitamins or minerals, a sugar, a salt, and mixtures thereof; and wherein the dry ingredients are selected from the group consisting of rice crisps, soy crisps, oats, bran flour, corn flour, wheat flour, rice flour, a milk protein, an egg protein, a soy protein, a whey, and combinations thereof.

33. (new) The process of Claim 32, wherein the cocoa solids have a cocoa procyanidin content of about 50 to 80 milligrams; wherein the sterol ester(s) comprise an ester of β -sitosterol, campesterol, and stigmasterol; wherein the emulsifier is lecithin;

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wherein the flavorant is vanilla; wherein the syrup is corn syrup having a DE of about 40 to about 65; and wherein the sugar is a brown sugar and/or fructose; and wherein the dry ingredients comprise rice crisps, soy crisps, and/or oats.

34. (new) The process of Claim 33, wherein the formed food is a dry, ready to eat granola bar.

35. (new) The process of Claim 34, wherein the bar contains about 65% to 100% of the cocoa procyanidins originally present in the cocoa solids.

36. (new) The process of Claim 35, wherein the bar contains about 90% to 100% of the cocoa procyanidins originally present in the cocoa solids.

37. (new) A process for preparing a chocolate confectionery using the binder syrup of Claim 10, comprises the steps of:

a. pretreating cocoa solids having a cocoa procyanidin content of at least about 5 milligrams per gram of the defatted cocoa solids with about 9 to about 90% of sterol ester(s) and/or stanol ester(s) and optionally up to about 20% of chocolate liquor or about 0.5% to about 5% of an emulsifier;

b. blending the pretreated cocoa solids with binder syrup at about 20°C to about 160°C;

c. cooling the blend; and

d. shaping the cooled blend into the confectionery.

38. (new) The process of Claim 37, wherein the binder syrup comprises the sterol ester(s) and/or stanol ester(s), the lecithin, and the chocolate liquor.

39. (new) The process of Claim 37, wherein the cocoa solids have a fat content of about 8% to about 30% and a cocoa procyanidin content of about 50 to about

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150 mg; wherein the sterol ester(s) are prepared from rapeseed oil; wherein the emulsifier is selected from the group consisting of lecithin, a monoglyceride, a diglyceride, an ethoxylated mono- or diglyceride, a phospholipid, an acetic, lactic, citric, succinic, or diacetyl tartaric acid ester of a monoglyceride, a polyglycerol, sorbitan, a sucrose ester, a propylene glycol ester of a fatty acid, polyglycerol polyresorcinoleate, and mixtures thereof; wherein the chocolate liquor is a dark chocolate liquor or a milk chocolate liquor present in an amount of about 0.5% to about 10%; and wherein the syrup is an aqueous solution of a nutritive carbohydrate sweetener or an artificial sweetener having a moisture content of about 5 to about 25%; and wherein the syrup further comprises a gum, vitamin(s) and/or mineral(s), a sugar, and/or a flavorant.

40. (new) The process of Claim 39, wherein the sterol esters, the chocolate liquor, and the lecithin are premixed before mixing with the cocoa solids; and wherein the syrup is a corn syrup having a DE of about 40 to about 65.

41. (new) The process of Claim 40, wherein the confectionery is a dark chocolate or a milk chocolate chew.

42. (new) The process of Claim 41, wherein the chew contains about 65% to 100% of the cocoa procyanidins originally present in the cocoa solids.

43. (new) The process of Claim 42, wherein the chew contains about 90% to 100% of the cocoa procyanidins originally present in the cocoa solids.

44. (new) The process of Claim 43, wherein the chew contains at least about 2 milligrams of cocoa procyanidins per gram of the chew.